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8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO  
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11 SWINERTON BUILDERS, a California  
12 corporation; and SWINERTON  
INCORPORATED, a California corporation,

13 Plaintiffs,

14 v.

15 AMERICAN HOME ASSURANCE  
16 COMPANY; NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH,  
17 PA.; and DOES 1 through 250, inclusive,

18 Defendants.

CASE NO.: 3:12-cv-04350-SC

STIPULATION AND ORDER TO CONTINUE  
CASE MANAGEMENT CONFERENCE

19 The undersigned parties, through their respective counsel, hereby stipulate as follows and  
20 request that the Court enter this Stipulation and Order continuing the Case Management Conference  
21 to a later date:

22 (1) The currently scheduled June 14, 2013 Case Management Conference was set by  
23 Order entered May 6, 2013 (Document 30), prior to the filing and service of responsive pleadings by  
24 Defendants American Home Assurance Company ("American Home") and National Union Fire  
25 Insurance Company of Pittsburgh, PA ("National Union") (collectively "Defendants");

26 (2) On or about May 28, 2013, Defendants filed a Notice of Motion and Motion to  
27 Dismiss (FRCP 12(b)(6)) and alternative Motion to Compel Arbitration (9USC 3, 4).

28 (3) The parties desire a continuation of the Case Management Conference to allow time

1 for the Court to rule on Defendants' Motion to Dismiss prior to the parties and the Court expending  
2 time and resources. As such, the parties hereby stipulate to a continuance of the Case Management  
3 Conference to a date convenient for the Court.

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5 /s/ Joseph L. Oliva  
6 Joseph L. Oliva, Esquire  
7 Oliva & Associates, ALC  
8 11770 Bernardo Plaza Court, Suite 350  
9 San Diego, CA 92128  
10 *Attorney for Plaintiffs, Swinerton Builders*  
11 *and Swinerton Incorporated*

/s/ Marc J. Derewetzky  
Marc J. Derewetzky, Esquire  
Trenk DiPasquale Della Fera & Sodono, P.C.  
1300 Clay Street, Suite 600  
Oakland, CA 94612  
*Attorneys for Defendants, American Home*  
*Assurance Company and National Union Fire*  
*Insurance Company of Pittsburgh, PA*

12 **GOOD CAUSE APPEARING, IT IS SO ORDERED**

13 The case management conference is continued to Friday, September 13, 2013, at 10:00 a.m.

14  06/05/2013  
15 Honorable Samuel Conti  
16 United States District Court Judge

OLIVA & ASSOCIATES ALC  
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Attorneys for Plaintiffs  
SWINERTON BUILDERS and  
SWINERTON INCORPORATED

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

SWINERTON BUILDERS, a California  
corporation; and SWINERTON  
INCORPORATED, a California corporation,

Plaintiffs,

v.

AMERICAN HOME ASSURANCE  
COMPANY; NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH,  
PA.; and DOES 1 through 250, inclusive,

Defendants.

CASE NO. cv 12-04350 SC

PROOF OF SERVICE

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 11770 Bernardo Plaza Court, Suite 350, San Diego, California 92128.

On June 4, 2013, I caused the following document(s) described as:

STIPULATION AND ORDER TO CONTINUE CASE MANAGEMENT  
CONFERENCE

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to be served on the interested parties in this action as follows:

Marc J. Derewetzky  
[mjd@trenklawfirm.com](mailto:mjd@trenklawfirm.com)

Thomas Holden  
[tholden@trenklawfirm.com](mailto:tholden@trenklawfirm.com)

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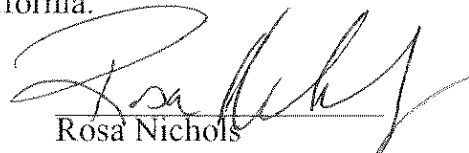
Facsimile: 510-891-8627

Counsel for Defendants,  
AMERICAN HOME ASSURANCE  
COMPANY and NATIONAL UNION  
FIRE INSURANCE COMPANY OF  
PITTSBURGH, PA.

☒ BY CM/ECF: I caused such document(s) to be served electronically pursuant to the United States Bankruptcy Court's Electronic Case Filing Program to be delivered electronically to those parties who have registered to become an E-Filer.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 4, 2013 at San Diego, California.

  
Rosa Nichols